

Committee	FULL COUNCIL
Date	21 MARCH 2012
Title	PRAYERS AT COUNCIL MEETINGS
Report of	DEPUTY DIRECTOR OF RESOURCES (CORPORATE GOVERNANCE) AND MONITORING OFFICER

EXECUTIVE SUMMARY

1. This report sets out the current legal position in relation to the tradition of holding prayers at Full Council meetings and invites members to take a decision about whether to hold prayers as part of these meetings in future.

BACKGROUND

2. The Isle of Wight Council has traditionally started its Full Council meetings with Christian prayers led by the Chaplain to the Chairman of the Council. The prayers are part of the meeting, as they are listed on the agenda and take place after the Chairman has processed into the chamber and after the scheduled start time of the meeting. However they do take place before the formal numbered agenda items start, and any members who do not wish to participate in the prayers join the meeting once they have finished and are marked as present for the meeting. While the practise has in the past been challenged in the Council Chamber by some members, when a vote has been taken on the matter the majority of Isle of Wight Council Councillors have been in favour of continuing with this arrangement.
3. The National Secular Society recently challenged a similar practise at Bideford Town Council, instigating a judicial review in the High Court. It was decided that local authorities have no legal power to place prayers on the agenda for a council meeting. However it was acknowledged that they could be held prior to the start of the meeting, or that the meeting could start with a period of quiet reflection.
4. As a result of this decision, this Council's intention was to hold prayers for those members who wished to attend prior to the commencement of the next Full Council meeting in February 2012.
5. However, prior to this Full Council meeting being held, the general power of competence in the Localism Act was brought into force for all local authorities except town and parish councils. This gives local authorities the power to do anything an individual can do, provided it is lawful and does not breach a "pre-existing limitation". The general power of competence should give local authorities the power to hold prayers as part of Council meetings. However,

this has not been tested in the courts and it is arguable that as an individual cannot put prayers on the agenda for a Council meeting, that the general power of competence may not give councils the power to do so. In addition, while in the Bideford case the judge found on the facts of that case that there was not a breach of human rights, this always depends on the particular circumstances, and so it is possible that in a different situation it could be found that there was a breach of human rights and that the Human Rights Act is a “pre-existing limitation” which prevents the general power of competence enabling the saying of prayers as part of a full council meeting.

CONSULTATION

6. When this matter was discussed at a recent meeting of group leaders or deputies (Councillors Brown, Stephens, Barry and Lumley) they requested that a written report be brought to the next Full Council meeting, so that all councillors could be part of taking a formal decision about whether to have prayers as part of Full Council meetings.
7. As this matter has not been listed on the Forward Plan, it was necessary to consult with the Chairman of the Overview and Scrutiny Committee about bringing this report forward for decision. Cllr Wayne Whittle has confirmed that he has no objection to this.

FINANCIAL / BUDGET IMPLICATIONS

8. There are no immediate and direct financial or budgetary implications relating to this decision. However it is possible that there will be further legal challenges in relation to the holding of prayers as part of Full Council meetings, and if a challenge were to be brought against this Council, costs may be incurred.

LEGAL IMPLICATIONS

9. The legal implications are set out in the body of this report.

EQUALITY AND DIVERSITY

10. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
11. Under the Equality Act 2010 the Council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies. This must be done at the formative stage of proposals, not retrospectively as justification for the recommendation.

12. An Equality Impact Assessment is normally carried out where a policy, strategy, service or function is changed or ceased or a significant service or budget decision is to be taken. As this report does not relate to any of these an Equality Impact Assessment has not been undertaken. However, members are reminded that to comply with the equality duty they should consider their decision in the light of whether there will be an adverse impact on any protected groups (and if so how they may mitigate against that impact) and whether it will promote equal opportunities and good relations between the protected groups and others.
13. The 2001 census results show that 73.72% of island residents indicated they were Christians, 26.28% indicated that they either held no religious belief, did not disclose their faith, or indicated that they practised another faith. Of these 26.28% the breakdown is:

No religion	65.71%
Religion not disclosed	30.02%
Other religions	1.72%
Muslim	1.05%
Sikh	0.09%
Buddhist	0.67%
Hindu	0.37%
Jewish	0.36%
14. Ceasing the tradition of Christian prayers as part of the formal Council meeting may have a negative impact on those with Christian beliefs, whereas continuing with them may have a negative impact on those with no religion or beliefs or those from other religions, as they may feel excluded. Equally, those with other religious beliefs may prefer Christian prayers to be said rather than have none at all, but they are only a very small proportion of the population, whereas those with no religious beliefs are a significant proportion of the population. To mitigate against the impact of prayers on those with no religion or beliefs, it may be appropriate to consider whether to have a period of quiet reflection at the start of the meeting, which could be used by all to pray or reflect in whichever manner they choose.

OPTIONS

15. **Option 1** To cease holding Christian prayers as part of formal Full Council meetings.
16. **Option 2** To start Full Council meetings with a short period of quiet reflection.
17. **Option 3** To hold prayers informally prior to the start of Full Council meetings.
18. **Option 4** To hold prayers as part of formal Full Council meetings and to invite different faiths to lead the prayers and to have a quiet period of reflection instead of prayers on occasion.
19. **Option 5** To have Christian prayers as part of formal Full Council meetings, led by the Chaplain to the Chairman to the Council, in line with existing arrangements.

RISK MANAGEMENT

20. As is set out in the background paragraphs to this report, the legal position is in a period of change and therefore it is possible that there will be further legal challenges on this issue. Whatever is decided, the position will be kept under review and revisited if necessary. However if it were decided that the Council will hold prayers as part of formal Full Council meetings an injunction could be sought preventing the Council from doing so. Such an injunction may be sought and granted without the Council being notified, and if this were the case it is possible that there would be costs implications.

RECOMMENDATION

21. Members are invited to reach a decision about which option to adopt.

APPENDICES ATTACHED

22. None.

BACKGROUND PAPERS

None.

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